

Now come the parties to the above-captioned action and, pursuant to the provisions of F.R.C.P. 41(a)(1)(ii), hereby stipulate that said action be dismissed as to defendants Berkshire East Ski Resort and Union Terminal Piers, Inc., with prejudice, and that all claims asserted in the

first and second causes of action as set forth in the First Amended Complaint be dismissed with prejudice; no further suit to be brought, each party to bear their own costs.

Dated: July 25, 2006

THE PLAINTIFF

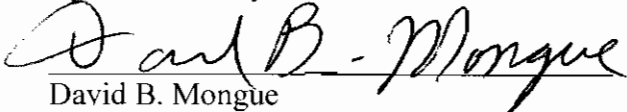
By his attorneys,



Ronald E. Gluck
BBO No. 196950
For Breakstone, White-Lief & Gluck, P.C.
Two Center Plaza, Suite 530
Boston, MA 02108-1906
Tel.: (617) 723-7676
Fax: (617) 723-7777
gluck@bwglaw.com

DEFENDANTS BERKSHIRE EAST SKI
RESORT and UNION TERMINAL PIERS,
INC.

By their attorneys,



David B. Mongue
BBO No. 351780
For Donovan & O'Connor, LLP
1330 Mass MoCA Way
North Adams, MA 01247
Tel.: (413) 663-3200
Fax: (413) 663-7970
dmongue@docatty.com
mail@docatty.com

DEFENDANTS NORTHFIELD MOUNT
HERMON SCHOOL, FRANCIS
MILLARD and MICHAEL ATKINS

By their attorneys,



Harold W. Potter, Jr.
BBO No. 404240
For Holland & Knight, LLP
10 St. James Avenue, 11th Floor
Boston, MA 02116
Tel.: (617) 523-2700
Fax: (617) 523-6850
hpotter@hklaw.com

DBM:MGR